

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JOSHUA ROBERTSON,

Plaintiff,

v.

JOHN LATORRACA CORRECTIONAL
FACILITY, *et al.*,

Defendants.

Case No. 1:24-cv-00009-JLT-BAM (PC)

ORDER DENYING MOTION TO AMEND
AND MOTION TO SUPPLEMENT
COMPLAINT AS MOOT

(ECF Nos. 21, 22)

Plaintiff Joshua Robertson (“Plaintiff”) is a former pretrial detainee and current civil detainee proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On June 21, 2024, the undersigned screened Plaintiff’s second amended complaint and issued findings and recommendations that this action proceed on the following cognizable claims: (1) Due Process violation for conditions of confinement related to the cell sanitation against Defendants Gutierrez, Sandoval, Jonathan Doe, Miguel Doe, Reid, and Jane Doe; (2) Due Process violation for conditions of confinement related to removal of the mattress against Defendant Gutierrez; and (3) *Monell* liability against Merced County and John Latorraca Correctional Facility. (ECF No. 15.) The undersigned further recommended that all other claims and defendants be dismissed based on Plaintiff’s failure to state claims upon which relief may be granted. (*Id.*) Following an extension of time, Plaintiff timely filed objections on July 19, 2024. (ECF No. 20.) Before the assigned District Judge could consider the objections, Plaintiff filed a motion to amend the complaint, a motion to supplement the complaint, and lodged a third

1 amended complaint. (ECF Nos. 21–23.)

2 On May 21, 2025, the District Judge conducted a *de novo* review of the case, noting that
3 Plaintiff’s lodged third amended complaint varied very little from the operative second amended
4 complaint. (ECF No. 24.) The District Judge adopted the findings and recommendations in full
5 and ordered that this action shall proceed on Plaintiff’s second amended complaint, filed June 10,
6 2024, (ECF No. 13), against: (1) Defendants Gutierrez, Sandoval, Jonathan Doe, Miguel Doe,
7 Reid, and Jane Doe for Due Process violation for conditions of confinement related to the cell
8 sanitation; (2) Defendant Gutierrez for Due Process violation for conditions of confinement
9 related to removal of the mattress; and (3) Defendants Merced County and John Latorraca
10 Correctional Facility for *Monell* liability. (*Id.*) All other claims and defendants were dismissed
11 from this action for failure to state claims upon which relief may be granted. (*Id.*)

12 In light of the District Judge’s order adopting the findings and recommendations and
13 directing that this action proceed on Plaintiff’s second amended complaint, the Court finds that
14 the pending motions to amend and motion to supplement the complaint are now moot.

15 Accordingly, IT IS HEREBY ORDERED as follows:

- 16 1. Plaintiff’s motion to amend, (ECF No. 21), is DENIED as moot;
17 2. Plaintiff’s motion to supplement the complaint, (ECF No. 22), is DENIED as moot;
18 3. The second amended complaint remains the operative complaint in this action; and
19 4. A separate order will issue regarding service of the complaint on Defendants.

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21 IT IS SO ORDERED.

22 Dated: May 26, 2025

23 /s/ Barbara A. McAuliffe
24 UNITED STATES MAGISTRATE JUDGE
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